HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

Writ Appeal No. 2596 of 2005

Between:

Sri Varaha Lakshmi Narasimha Swamy Devasthanam, Simhachalam, Visakhapatnam Rep. By its Executive Officer.

... APPELLANT

AND

D.V.R.K.V. Prasada Raju,

S/o. Pullam Raju, Plont No. A-10,

Dayalnagar Colony, Near Visalaxi Nagar,

Visakhapatnam (Dist.) and others.

...RESPONDENTS

::JUDGMENT::

Counsel for the Appellant :MR.M. Adinarayana Raju

Counsel for the Respondent No.1 : Mr. Vijaya Bhaskar Moola

Counsel for the Respondents.2 and 3: Mr. P. LAKSHMA REDDY, GP FOR ENDOWMENTS

30th December, 2005

Per G.S. Singhvi, CJ

This appeal is directed against order dated 5.12.2005 passed by the learned Single Judge in W.P.M.P. No. 20926 of 2005 filed by Respondent No.1 in Writ

Petition No. 16472 of 2005.

The principal ground on which the appellant has questioned the order of the learned Single Judge is that the direction contained therein amounts to final adjudication of the writ petition filed by Respondent No.1 and this could not have been done while disposing of application filed under Section 151 of the Civil Procedure Code for grant of interim relief.

Learned counsel for respondent No.1 submitted that the Division Bench may not interfere with the order under appeal because the State Government and Commissioner of Endowments Department have already filed an application before the learned Single Judge for vacating order dated 5.12.2005. He also stated that till the decision of that application, his client will not press for implementation of order dated 5.12.2005 which is under challenge.

In view of the above, the appeal is disposed of with the observation that the parties may appear before the learned Single Judge and make their respective arguments on the application filed by the Government of Andhra Pradesh and Commissioner of Endowments for vacating order dated 5.12.2005 and till the decision of that application, the order under challenge shall not be enforced by 1st respondent.

G.S. SINGHVI, CJ

Date: 30th December, 2005

R. SUBHASH REDDY, J

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